

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
DEON ERNEST LAWRENCE,

Plaintiff,

9:05-CV-0653
(FJS(DRH))

v.

NEW YORK STATE TROOPER JOSEPH P. SIMPSON;
NEW YORK STATE TROOPER HOUGHMASTER,

Defendants.

APPEARANCES:

OF COUNSEL:

DEON ERNEST LAWRENCE
Plaintiff, *pro se*

OFFICE OF THE ATTORNEY GENERAL
State of New York
Counsel for Defendants

STEPHEN M. KERWIN, ESQ.
Assistant Attorney General

DAVID R. HOMER, MAGISTRATE JUDGE

ORDER

Pro se plaintiff Deon Lawrence commenced this action in May, 2005, claiming that he was assaulted by two New York State Troopers outside the Watertown Town Courthouse in May, 2003. Plaintiff claims that the assault was unprovoked and that he suffered serious injuries in the attack.

By Decision and Order filed April 3, 2007 (the "April Order"), plaintiff's motion for leave to file a further amended complaint was granted in part, and plaintiff was directed to file an amended complaint naming Troopers Simpson and Houghmaster as the sole defendants in this action. Dkt. No. 59 at 9-15.¹

¹ Plaintiff's motion to amend was denied insofar as he sought to name two other individuals as defendants herein. *Id.* at 13-15.

Plaintiff duly filed his amended complaint. Dkt. No. 61. Upon review, the Court finds that the amended complaint complies with the April Order and was properly filed. Accordingly, the Clerk is directed to issue an amended summons and forward it , along with a copy of the amended complaint and a completed USM-285 form, to the U.S. Marshal for service on defendant Simpson. The Clerk is also directed to revise the docket to reflect that Simpson and Houghmaster are the sole defendants, and that Trooper Kealy, who is not named in the amended complaint, is no longer a defendant in this action. Upon service of the amended complaint, an answer shall be filed in accordance with the Federal Rules of Civil Procedure.

The April Order also directed defendants to provide certain discovery requested by plaintiff and subject to plaintiff's motion to compel. Dkt. No. 59 at 2-9. By letter dated May 14, 2007, plaintiff advised that defendants had not yet provided all of the additional discovery material. Dkt. No. 62. As directed by the Court, defendants' counsel provided a written status report regarding defendants' compliance with the April Order. Dkt. No. 63.

Upon review, the Court finds that defendants have complied with the April Order insofar as it directed the production of certain documents sought by plaintiff. With respect to defendant Houghmaster's personnel and disciplinary records, plaintiff is referred to the April Order, which directed defendants to produce only those documents which relate to claims that defendant Houghmaster used excessive force against an individual in full restraints. Dkt. No. 59 at 8. Defendants advised plaintiff, by letter dated April 30, 2007, that no such documents exist. Dkt. No. 63-2.

The Court hereby resets the dispositive motion filing deadline for **August 31, 2007**. No further discovery is authorized at this time. Any party seeking additional discovery must obtain

leave from this Court by written request detailing the proposed discovery.

WHEREFORE, it is hereby

ORDERED, that the Clerk issue an amended summons and forward it, along with a copy of the amended complaint (Dkt. No. 61) and a completed USM-285 form, to the U.S. Marshal for service on defendant Simpson, and it is further

ORDERED, that the Clerk revise the docket to reflect that Simpson and Houghmaster are the sole defendants, and that Trooper Kealy, who is not named in the amended complaint, is no longer a defendant in this action, and it is further

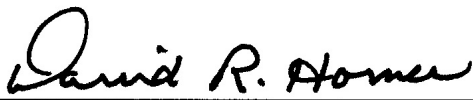
ORDERED, that a response to the amended complaint be filed by the defendants or their counsel as provided for in Rule 12 of the Federal Rules of Civil Procedure, and it is further

ORDERED, that the dispositive motion filing deadline is reset for **August 31, 2007**. No further discovery is authorized; any party seeking additional discovery must obtain leave from this Court as set forth herein, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

Dated: May 23, 2007


United States Magistrate Judge